

March 12, 1953

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Washington 25, D. C.

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Dear _____

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Enclosed for your files is the original copy of our Annual Technical Report on the use of the side-tone delay instrument as an interrogational device. Also enclosed for your file is a report on instrumentation for this project from _____ and

Also included in this folder are duplicates of both reports, which procedure you requested in your letter to us dated February 20, 1953.

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On March 5, 1953, the newest instrument developed by _____ was delivered. It appears to be much more refined and to have greater durability than the previous instruments.

Very truly yours,

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Enclosures

ANNUAL TECHNICAL REPORT

March 9, 1953

The primary aim and purpose of this project is to obtain a successful interrogational device from the effects of side-tone delay, together with an appropriate procedure for its use with a minimum amount of attachments.

The secondary aim, being developed in this laboratory, is to obtain more easily interpreted polygraph records by use of side-tone delay in conjunction with the polygraph.

It was first believed that the general effect of delaying the side-tone on a subject was to retard his speech and cause a variance in his vocal intensity. This belief was based upon the findings of previous experimenters.¹ It was found at this laboratory that this phenomenon only occasionally occurred. It is thought by these investigators that the amount of difficulty experienced by the subject might be based upon his education and/or intelligence. In most cases it appears that the more education and higher intelligence a subject has the greater difficulty he will experience with the effect. However, whether the subject experienced this phenomenon or not seemed unrelated

¹
e.g. "Delayed side-tone typically reduces rate and increases the sound pressure level of speech." "The Effect of Delayed Side-Tone upon Vocal Rate and Intensity," Journal of Speech and Hearing Disorders, 16, 1951, 59-60.

to whether a confession later resulted. Because of this, these investigators recently have not been too concerned about the effects of the side-tone delay on the subject, but rather they have been concentrating on the procedures which will more easily and readily induce the confession.

The success of the side-tone delay (STD) instrument is mainly dependent upon two things - the interrogator and his procedure. No instrument or device can fulfill the basic requirement of a good interrogator and he must have a suitable procedure(s) to use with the STD instrument.

In these investigators' first Status Report six different procedures were set forth. Since then these procedures have been further experimented with and utilized. They are now again set forth along with a statement as to their practicability.

C A.  Polygraph first used by itself to determine actual points of deception. Side-tone delay then used at points of deception, as determined from the polygraph, by manual manipulation of the off-and-on side-tone delay switch."

This procedure has been found to be of great value for several reasons. First, the interrogator must usually know whether the subject is guilty or concealing information about the matter under investigation. Therefore, it is usually imperative that a competent polygraph examiner conduct this tests first. However, in a few cases it can be assumed

that the subject is lying if he is implicated in a trustworthy confession against interest by one of his co-defendants, or when the subject is a prisoner of war. In this latter case, the subject is probably withholding information about his equipment, deployment of his fellow troops, and other information that is of value to an intelligence section.

The second value of using this procedure is that the STD is introduced after the polygraph, therefore, the interrogator's psychological position is greatly strengthened just as the interrogation begins.

3. Use of Side-Tone Delay and Polygraph Jointly

1. "Manually manipulating STD switch at points of possible deception while the polygraph is in actual operation. This method has been found to be only of value when used for its psychological effect. This is because the resulting polygraph records are too distorted for a correct interpretation, therefore, the examiner must assume beforehand that the subject is lying about the matter under investigation."

What was originally stated about this procedure, i.e., it has value only as a psychological device, still applies.

2. "Side-Tone delay in operation throughout the polygraph tests." This method is the most effective if the STD and polygraph are to be in operation simultaneously. Usually the records are not too distorted for interpretation, in fact, sometimes the records

are believed to be more easily interpreted because of the use of the side-tone delay.

C. Use of Side-Tone Delay Alone for Interrogational Purposes.

1. "Manual manipulation of STD switch during the interrogation at points of possible deception."

2. "During the interrogation, while the STD is operating, the subject is allowed to interrupt in order to make his denials. The examiner may then call the subject to task for his failing to express himself without stuttering and/or hesitation."

3. "The STD operating continuously and purely as an interrogational device, without any other attachments or devices. The examiner uses the technique here of immediately stopping the subject from fully discussing the case while an appeal for the truth is made by the examiner. When this appeal appears to change the tenor of the subject's denials, he is then allowed to make any explanation regarding his position in the case. In doing so he will experience difficulty due to the effects of the STD. When this difficulty is brought to the subject's attention it will materially aid in obtaining admissions against interest..."

Of the above procedures, C-1 and 3 appear to be the most effective. However, the interrogator who uses the C-1 procedure is at a great disadvantage in that the STD must be in operation each time the subject lies.

This necessitates second-guessing on the part of the STD operator.

The interrogator who uses the C-3 procedure is at a disadvantage when the customary microphone is used. This is because not only the subject's own talk but also the interrogator's talk is delayed to the subject through his earphones. This is construed by some subjects as a warning that something is amiss and that they should be very careful of what they tell the interrogator.

As was stated previously in this report, these investigators feel that usually the subject's guilt or innocence is generally not known, unless he had been examined by the polygraph technique of detecting deception. Therefore, sections C-1, 2 and 3 may be utilized without the use of the polygraph. If any of these three procedures are used, the interrogator must be expertly trained in order to obtain satisfactory results.

Since the last Status Report (January 19, 1953), 18 court subjects have been experimented with at this laboratory. However, of these only three have been experimented with since February 5, 1953 because

D , who is providing this laboratory with these subjects, is on his vacation. It is expected that this laboratory's case load will substantially increase with his return on March 16, 1953. The results of these 18 subjects are as follows in Tables 1 and 2:

A. Table 1. Outcome of the Examinations

	<u>White</u>	<u>Colored</u>
Innocent	6	6
Guilty	3 (2 confessions)	3 (1 confession)
Indefinite	0	0

C * As determined by the Polygraph and/or full confessions.

B. Table 2. Difficulty Talking While STD Operating**

	<u>White</u>	<u>Colored</u>
Innocent	3 Fours, 1 Threes, 2 Twos	1 Four, 4 Twos, 1 One
Guilty	2 Fours (1 Conf.) 1 Three (Conf.)	2 Twos (1 Conf.) 1 One
Indefinite	None	None

**Scale of Difficulty Talking.

Five -- Very great difficulty

Four -- Great difficulty

Three -- Some difficulty

Two -- Very little difficulty

One -- No apparent difficulty

C. Table 3. Total Results of Outcome of the Examinations.

	<u>White</u>	<u>Colored</u>
Innocent	12	18
Guilty	4 (3 Conf.)	9 (4 Conf.)
Indefinite	0	1

D. Table 4. Total Results of Difficulty Talking While STD Operating.

	<u>White</u>	<u>Colored</u>
Innocent	5 Fours, 1 Three, 5 Twos, 1 One	3 Fours, 3 Threes, 7 Twos, 5 Ones
Guilty	2 Fours (1 Conf.) 1 Three (Conf.) 1 Two (Conf.)	1 Four (Conf.), 1 Three, 3 Twos (2 Conf.), 4 Ones (1 Conf.)
Indefinite	None	1 Two

Since November 12, 1952, 27 STD subjects have appeared at this

laboratory but then have refused to be examined. During this same period time was arranged and set aside for the examination of 47 subjects who failed to appear or cancel their appointments.

These investigators believe that no definite conclusion as to the value of the STD instrument can be determined at this time. It is hoped that by the end of this contract, May 31, 1953, an opinion can be given. However, several opinions can be now expressed.

One of these opinions is that the better interrogator will obtain better results with the use of the STD than the average or poor interrogator. It is analogous to a new type of golf putter which the manufacture claims as the solution of every golfer's putting troubles. The professional who uses it will still get better results with it than the duffer who plays once a month.

Another opinion is that the examiner must usually first know whether the subject is guilty and/or concealing information about the matter under investigation, or whether the subject is innocent. For these experiments this was usually determined by use of the Polygraph. Otherwise, the interrogator who only utilizes the STD will usually have much difficulty in deciding if the subject is telling the truth or if he is lying.

It is also believed that no false confessions or admissions against interest will result from innocent persons when the STD instrument is properly utilized. Almost every subject considered innocent by the use of the lie-detector was interrogated with the STD to determine if its use would cause a false confession. Not one of these innocent subjects made an admission against interest.

Although no innocent person admitted any guilty knowledge, many jurists are apt to categorize its use as duress and/or inherent coercion which is prohibited by the 14th Amendment to the United States Constitution. For this reason extreme care should be exercised when subjecting citizens of the United States to the STD technique even when they voluntarily consent to be examined. For this and other important reasons, every interrogator must be very familiar with the laws governing criminal interrogation.

The following is a list of all professional personnel employed part-time or full time on this project since its inception:

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